

# Adult Social Care and Health Directorate

## OP/PD and DCALD/MH

Responding to requests to film or record a case meeting - Practice guidance

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<b>Owner:</b>	Policy and Standards Team Operational Support Unit ASC and H Invicta House Maidstone Kent ME14 1XX



## **1. Purpose**

This guidance is to support staff and managers to respond to requests to record meetings relating to the case management/ care and support arrangements for people in a consistent manner. The response will be in line with KCC agreed expectations for Information Governance and Data Protection and to safeguard the personal information of meeting subjects (the person who is the focus of the meeting) and other participants.

## **2. Principles**

2.1 All parties to multi-disciplinary meetings and discussions, including meetings relating to care and support, safeguarding and risk management are entitled to keep appropriate written records of their own.

2.2 Participants do not have the right to make audio or video recordings of meetings and discussions hosted by Kent County Council (KCC) without having sought prior permission in a timely way from KCC, including carers and family members.

2.3 Requests to make an audio or video record of a meeting should be considered by a Service Manager, Head of Service or other appropriate manager.

2.4 Participating organisational managers and others should be consulted on their policy position regarding the recording of meetings.

2.5 Participants of the meeting will be asked to consent to the recording of the meeting.

2.6 Agreement to a request should not impact on the quality of the information-sharing and discussion, or compromise the decision-making.

2.7 The audio or video recording must not be distributed further than the participants in the meeting as to make it available for example on the internet would breach the confidentiality of the individual (data subject), potentially other meeting participants and the Data Protection Act 1998.

## **2. Scope**

This guidance applies to all requests for the recording of meetings whether from:

- KCC staff
- Members of other organisations
- Non-professionals involved in the meeting

The guidance applies to all teams within Adult Social Care and Health and Disabled Children where KCC is the Data Controller.

The guidance excludes Child Protection meetings and other meetings in Specialist Children Services.

The guidance does not apply to meetings convened by staff seconded into KMPT where KMPT is the 'host' of the meeting (for example CPA).

### **3. Definitions**

3.1 This policy uses the following terms:

KCC	Kent County Council
KMPT	Kent and Medway Partnership Trust
Data Subject or Subject	The person about whom the meeting is being held
Non-professionals	People involved in the meeting who are not representing an organisation.
Participants	People who attend the meeting

### **4. Kent County Council recordings**

4.1 Meetings may be recorded by KCC staff in order to provide a record of the meeting which will later be transcribed into written notes of the meeting.

4.2 Participants of the meeting will be informed that a recording of the meeting is being made and the purpose of the recording at the start of the meeting.

4.3 The recording will be stored securely until the notes are complete and destroyed as soon as the notes have been agreed.

4.4 The minutes will reflect the above actions.

### **5. Requests from non-Kent County Council participants**

5.1 The consent of all participants should be collected on receipt of a request to record the meeting, this should be prior to making a decision whether or not to permit the recording of a meeting by one or more of the participants.

5.2 The chair of the meeting is responsible for ensuring consent is gained from all participants (see 5.4 and 5.5) of the meeting prior to the meeting date.

5.3 All participants should be advised on who will be recording the meeting, whether or not others will have a copy of it and the purpose of the recording.

5.4 The consent of each KCC Officer attending the meeting should be obtained in writing; email is acceptable. In the event consent is not provided and the chair consider consent would be reasonable:

- The chair should discuss the staff members reasons

- If consent is withheld, consider whether names can be excluded from the recording. See Appendix 3 partially agreeing to a request.
- In the event that after the meeting someone asks for the name of the Officer withholding consent; the information is treated as a Freedom of Information Request or third party Subject Access Request and should be referred to the Information Resilience Team.

5.5 The consent of each representative from other organisations attending the meeting should be obtained in writing; email is acceptable. In the event consent is not provided and the chair consider consent would be reasonable:

- The chair should discuss the representative's reasons
- If consent is withheld, consider whether names can be excluded from the recording. See Appendix 1 partially agreeing to a request.
- In the event that after the meeting someone asks for the name of the representative withholding consent; the information is treated as a Freedom of Information Request or third party Subject Access Request and should be referred to the Information Resilience Team.

5.6 The consent of each non-professional attending the meeting should be obtained in writing; email is acceptable. In the event consent is not provided and the chair consider consent would be reasonable:

- Consider whether names can be excluded from the recording. See Appendix 1 for sample letter *Partially agreeing to a request*.
- In the event that after the meeting someone asks for the name of the non-professional withholding consent; the information is treated as a Freedom of Information Request or third party Subject Access Request and should be referred to the Information Resilience Team.

## 6. Granting a request

6.1 In the event all consents are collected and there are no objections, recording the meeting can be agreed.

6.2 Confirmation should be sent to the requestor in writing, email is acceptable, see Appendix 2 for sample letter *agreeing to a request*.

6.3 The person recording the meeting should sign Appendix 3 *The agreement for the electronic recording of a meeting*

6.4 The chair should remind all participants that the meeting is being recorded at the start of the meeting and a record of the recording activity should be included in the minutes.

## 7. Declining a request

7.1 In the event that a participant does not give consent for their personal details to be included in the recording, a request can nonetheless be granted provided that

- No personal identifiable data is included in the recording, and
- Agreeing to the request will not impact adversely the meeting.

7.2 2 Confirmation should be sent to the requestor in writing, email is acceptable that the request has been partially granted, see Appendix 1 for sample letter *Partially agreeing to request*.

## **8. Documentation**

8.1 All documentation relating to obtaining consent should be retained in the relevant client file.

8.2 Copies of letters sent agreeing, partially agreeing or declining consent should be retained in the relevant client file

## **9. Meetings where consent has been granted**

9.1 All participants should be reminded the meeting is being recorded at the start of the meeting. If there are breaks in the meeting or participants change during the meeting (leave or enter) the meeting should again be reminded that the meeting is being recorded.

## **10. Non – agreed recording**

10.1 Where a person is found to be recording a meeting without prior consent and notice to participants by any attendee this should be brought to the attention of the chair immediately.

10.2 The chair may stop the meeting.

10.3 The chair MAY with agreement of participants recommence the meeting and allow recording if this agreed by all participants and record these actions in the minutes.

OR

10.4 The chair MAY asked the person to cease recording and delete the information recorded to that point in the meeting:

- If the person refuses to stop recording they may be asked to leave to enable the meeting to continue.
- If the person refuses to delete the recording, this should be recorded in the minutes and the meeting stopped until the person has left. Inform the Information Resilience Team.

## Appendices

Appendix 1	Sample letter 'Partially agreeing to request'
Appendix 2	Sample letter 'Agreeing to a request'
Appendix 3	Sample 'Agreement to the recording of a meeting'
Appendix 4	Sample letter 'Declining request'

**Appendix 1 – Sample Letter Partially Agreement to Request**



Name of Addressee

Address

Address

Address

Address

Address

**KENT COUNTY COUNCIL**

KCC Address

KCC Address

KCC Address

KCC Address

Tel:

Ask for:

Date:

Dear

**Electronic Recording of a Meeting**

I am writing in response to your request to record the following meeting.

\*\*\*\* insert meeting name, date and time here

I have consulted each meeting participant, along with other relevant parties, and confirm that some of the participants did not give their consent for their personal details to be included in the recording.

I am however assured that agreeing to such a request will not impact negatively on the meeting, as long as no personal identifiable data is included in the recording.

Your request has therefore been partially granted. The recording will be able to commence once the introductions have taken place and it has been made clear who you may record and who you may not. \*\* or amend as necessary depending on the way the meeting is to be conducted).

This request has been granted only and strictly to be used for domestic purposes (having the meaning stated in the Data Protection Act 1998) and on the basis that you agree **not to** distribute the recording further than those in attendance at the meeting and **do not** make the recording public in any way, including making it available on the internet, as this would be a serious breach of the confidentiality of the Data Subject (person named) and the Data Protection Act 1998. Please note that in line with the Information Commissioner Officer guidance about personal data of public authority employees, personal details of public authority employees are considered as personal data as defined in the Data Protection Act 1998.

You must sign the enclosed agreement ensuring that it is returned to me at least 5 days prior to the meeting taking place so that any necessary arrangements can be made.

Yours faithfully

Appendix 2 - Sample Letter Agreeing to Request



Name of Addressee  
Address  
Address  
Address  
Address  
Address

KENT COUNTY COUNCIL

KCC Address  
KCC Address  
KCC Address  
KCC Address

Tel:   
Ask for:   
Date:

Dear

**Electronic Recording of a Meeting**

I am writing in response to your request to record the following meeting.

\*\*\* Insert meeting name, date and time here

I have consulted each meeting participant, along with other relevant parties, and confirm that there have been no objections made. I am also assured that agreeing to such a request will not impact negatively on the meeting.

Your request has therefore been granted only and strictly to be used for domestic purposes (having the meaning stated in the Data Protection Act 1998) and on the basis that you agree **not to** distribute the recording further than those in attendance at the meeting and **do not** make the recording public in any way, including making it available on the internet, as this would be a serious breach of the confidentiality of the Data Subject (named person) and the Data Protection Act 1998. Please note that in line with the Information Commissioner Officer guidance about personal data of public authority employees, personal details of public authority employees are considered as personal data as defined in the Data Protection Act 1998.

You must sign the enclosed agreement ensuring that it is returned to me at least 5 days prior to the meeting taking place so that any necessary arrangements can be made.

Yours faithfully



**Appendix 3 - Agreement for the Electronic Recording of a Meeting**



Name of Addressee  
Address  
Address  
Address  
Address  
Address

**KENT COUNTY COUNCIL**

KCC Address  
KCC Address  
KCC Address  
KCC Address

Tel:   
Ask for:   
Date:

Name

Address

**Electronic Recording of – insert meeting name, date and time**

I have received permission to record the above meeting.

I agree **not to** distribute the recording further than those in attendance at the meeting and **will not** make the recording public in any way, including making it available on the internet. I acknowledge that I will use the recording only for domestic purposes as defined in the Data Protection Act 1998.

I am aware that non-compliance with this agreement would be a serious breach of the confidentiality of the Data Subject (named person) and the Data Protection Act 1998 and that legal action could be taken against me. I am also aware that personal details of public authority employees are considered as personal data as defined in the Data Protection Act 1998.

Signature:

Date:

**Appendix 4 - Sample Letter Declining a Request**



Name of Addressee  
Address  
Address  
Address  
Address  
Address

**KENT COUNTY COUNCIL**

KCC Address  
KCC Address  
KCC Address  
KCC Address

Tel:   
Ask for:   
Date:

Dear

**Electronic Recording of Meeting**

I am writing in response to your request to record the following meeting.

\*\*\* insert meeting name, date and time here

I have consulted each meeting participant, along with other relevant parties, and confirm that there have been objections made.

I am therefore of the opinion that agreeing to such a request could potentially impact negatively on the outcome of the meeting and could mean a breach of the Data Protection Act 1998

Your request has therefore been declined.

Should you wish to discuss this matter further please do not hesitate to contact me accordingly.

Yours faithfully